

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 856

**Introduced by Committee on Governmental Organization
(Senators Vincent (Chair), Cedillo, Chesbro, Dunn, Johnson,
Karnette, Machado, Margett, Morrow, and Soto)**

February 21, 2003

An act to amend Section 14763 of the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 856, as amended, Committee on Governmental Organization. State property.

Existing law authorizes the transfer of the control or possession of state-owned real property from one state agency to another state agency with the written approval of the Director of General Services.

This bill instead would authorize the transfer of the jurisdiction of state-owned real property from one state agency to another state agency with the written approval of the director.

Existing law requires the Department of General Services to perform various functions and duties with respect to state property.

This bill would authorize the Director of General Services to sell, exchange, lease, or transfer ~~unspecified parcels~~ all or any part of state property known as the San Jose, Callexico, and Quincy Armories. The bill would also authorize the director, with the approval of the Adjutant General, to lease 4 acres of the San Diego Armory and to convey certain real property in the City of Salinas to the City of Salinas, under specified terms and conditions. The bill would exempt the sale, exchange, lease, or transfer of the parcels from specified provisions of the California Environmental Quality Act. The bill would require that the net proceeds

be deposited in the General Fund, as provided, and would require the reservation of mineral rights, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 14673 of the Government Code is*
2 *amended to read:*

3 14673. ~~The control or possession jurisdiction~~ of real property
4 owned by the state may be transferred from one state agency to
5 another state agency with the written approval of the director.

6 In connection with such a transfer, the director may authorize
7 the payment of ~~such~~ the consideration as he or she deems proper
8 from available funds of the receiving agency to the transferring
9 agency.

10 Where the interest the state owns in real property is not under
11 the ~~control or in possession~~ jurisdiction of any specified state
12 agency the department may act as the transferring agency.

13 Upon request and without fee, the recorder of each county in
14 which any portion of real property so transferred is located shall
15 record any instruments executed in connection with such a
16 transfer.

17 SEC. 2. (a) The Director of General Services, with the
18 approval of the State Public Works Board, may sell, exchange, or
19 lease, for current market value or for any lesser consideration
20 authorized by law and upon those terms and conditions and subject
21 to those reservations and exceptions as the Director of General
22 Services determines are in the best interests of the state, all or any
23 part of the following real property:

24 Parcel 1: _____.

25 Parcel 2: _____.

26 SEC. 2. —

27 *Parcel 1: Real property known as the San Jose Armory, located*
28 *at 240 North 2nd Street, San Jose, Santa Clara County.*

29 *Parcel 2: Real property known as the Calexico Armory, located*
30 *at 210 Sheridan Street, Calexico, Imperial County.*

31 *Parcel 3: Real property known as the Quincy Armory, located*
32 *at 75 Redberg Avenue, Quincy, Plumas County.*

SEC. 3. *Notwithstanding Section 14670 of the Government Code or any other provision of law, the Director of General Services, with the approval of the Adjutant General, may lease approximately 4 acres of the San Diego Armory located at 7401 Mesa College Drive, in San Diego, San Diego County, for a community purpose on the terms and conditions and subject to the reservations and exceptions that may be in the best interest of the state for a period not to exceed 25 years. This section is intended to continue the existing lease authorized under prior law.*

SEC. 4. *Notwithstanding any other provision of law, including, but not limited to, Article 1 (commencing with Section 11000) of Chapter 1 of Part 1 of Division 3 of Title 2 of, and Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, the Director of General Services, with the approval of the Adjutant General, may convey for no less than 50 percent of fair market value, to the City of Salinas for development of a police station, which shall be considered a public benefit, real property located at 100 Howard Street, Salinas, Monterey County on the terms and conditions and subject to the reservations and exceptions that may be in the best interest of the state. The Department of General Services shall be reimbursed for its costs related to the transfer, including, but not limited to, any survey costs, title transfer fees, and department staff time.*

SEC. 5. (a) A notice of each public auction or bid opening shall be posted on the property to be sold under this act and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated.

(b) Any sale, exchange, lease, or transfer of the parcels described in this act is exempt from Chapter 3 (commencing with Section 21100) to Chapter 6 (commencing with Section 21165), inclusive, of Division 13 of the Public Resources Code.

~~SEC. 3.—~~

SEC. 6. (a) The Department of General Services shall be reimbursed for any cost or expense incurred in the disposition of any parcels described in this act.

(b) The net proceeds of any moneys received from the disposition of any parcels described in this act shall be deposited in the General Fund and be available for appropriation in accordance with Section 15863 of the Government Code.

1 ~~SEC. 4.—~~

2 *SEC. 7.* (a) As to any property sold pursuant to this act
3 consisting of 15 acres or less, the Director of General Services
4 shall except and reserve to the state all mineral deposits, as defined
5 in Section 6407 of the Public Resources Code, below a depth of
6 500 feet, without surface rights of entry.

7 (b) As to property sold pursuant to this act consisting of more
8 than 15 acres, the Director of General Services shall except and
9 reserve to the state all mineral deposits, as defined in Section 6407
10 of the Public Resources Code, together with the right to prospect
11 for, mine, and remove the deposits. The rights to prospect for,
12 mine, and remove the deposits shall be limited to those areas of the
13 property conveyed that the director, after consultation with the
14 State Lands Commission, determines to be reasonably necessary
15 for the removal of the deposits.

